

### REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration are respectfully requested in view of the preceding amendments and the following remarks.

#### Claim Amendments/Status

Attention is called to the fact that a new claim 21 was added in the last response. This claim has not been acknowledged or examined. Accordingly, a further action to consider the merits of this claim is necessary. In light of this situation, the Applicants, irrespective of the fact that the rejection has been made final, proposes to amend claim 3 in a manner which calls for:

- i) said chassis comprises an outer sheet(5) and an inner sheet(6) joined at a plurality of joining sites(20,21,22, 23); and wherein said plurality of auxiliary elastic members (19) are interposed between said outer and inner sheets (6,7)
- ii) said plurality of joining sites (20,21,22,23) are uniformly distributed at least in an area of said absorbent structure in the one of front and rear waist regions (7,9)

As will be appreciated from the amendment proposed in this response, the claimed invention is characterized in that a plurality of joining sites are distributed in the area of the absorbent core and the outer and inner sheets are joined together with each other by the same.

In contrast, in the Jitoue et al. (JP'255), joining sites are neither located between the backsheet 3 and the outer surface of the core 4 nor between the film 5 and non-woven fabric 26 in the region of auxiliary elastics 21.

#### New Claim

A further new dependent claim 22 is added in this response. Entry of this new claim is respectfully requested. This newly presented contains subject matter which is both novel and non-obvious over the cited art. Support for the content of this new claim is found in the originally filed specification and drawings. See the distribution of the joining sites as shown in Fig. 3, wherein the joining sites (20) are in the form of a dot and consist of first joining sites (21) arranged in the longitudinal direction in a middle zone of the absorbent structure (25), second joining sites(22) arranged in the longitudinal direction on both sides of the first joining sites (21) and third joining sites (23) arranged in the longitudinal direction in the vicinity of the transversely opposite side edges of the absorbent structure (25).

Rejections under 35 USC § 102

The rejections of claims 3-4, 9-10, 13-17 and 19-20 under 35 USC 102(b) as being anticipated by Jitoue et al. is respectfully traversed.

As noted above, the claims have been amended in a manner which distinguishes over the cited reference in that Jitoue et al. disclose joining sites that are neither located between the backsheet 3 and the outer surface of the core 4 nor between the film 5 and non-woven fabric 26 in the region of auxiliary elastics 21. This difference renders it impossible for a *prima facie* case of anticipation to be established.

Rejections under 35 USC § 103

The rejection of claims 5, 7-8 and 12 under 35 USC § 103(a) as being unpatentable over Jitoue et al. is respectfully traversed. Firstly, the fall of the anticipation rejection automatically moots the rejection. Further, there is no disclosure/suggestion found in this reference which would lead the hypothetical person of ordinary skill to the subject matter of the claims in question.

Conclusion

It is respectfully submitted that the claims as they have been amended/newly presented are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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